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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,063	09/16/2003	Yakov Beyrak	223829	2050
23460	7590	03/24/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			NGUYEN, TUAN N	
		ART UNIT	PAPER NUMBER	
		3751		

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

801

Office Action Summary	Application No.	Applicant(s)	
	10/663,063	BEYRAK, YAKOV	
	Examiner Tuan N. Nguyen	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) 17 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 7-9 are objected to because of the following informalities: the "adaptor" appears to be the outer housing of the valve (1); therefore, cannot be "fixed within the valve" as claimed in line 1 of claim 7. Accordingly, claim 7 is inaccurate. Appropriate correction is required.
2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The subsequent misnumbered claims 12-17 have been renumbered 13-18 respectively. However, the applicant must check and fix the dependency of renumbered claims 14 and 15 for proper antecedent basis.

3. Claims 14 and 15 are objected to because of the following informalities: the claims appear to lack antecedent basis and should be depended from claim 13. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Diel.

In regard to claim 1, Diel discloses a valve having one or more ports (see col. 2, lines 48-55), the valve comprising a spool (12) slidably disposed within the valve; and a retainer (40,44) disposed so as to prevent the spool from moving along an axis of the valve, the retainer being capable of moving to an open position so as to permit the spool to move along the axis of the valve.

In regard to claim 2, the retainer (40,44) is arranged generally circular (see Fig. 2).

In regard to claim 3, the valve further comprises a coupling member (48) slidably disposed within the valve and coupled to the spool (12), the coupling member has an annular groove (define between 52 and 60) for receiving the generally circular retainer (40,44).

In regard to claim 4, the valve further comprises a guide member (20) fixed within the valve adjacent to the coupling member (see Fig. 1) and with a small clearance (38,42) to the generally circular retainer, such that when the coupling member is subjected to a force, the generally circular retainer (40,44) comes into contact with the guide member and the guide member prevents any further movement of the generally circular retainer along the axis of the valve (see col. 3, line 27 et seq.).

In regard to claim 5, the retainer (44) inherently includes a pair of ends that define a gap therebetween (see col. 3, line 34).

In regard to claim 6, in response to the force, the coupling member moves and the retainer moves to the open position, thereby leaving the annular groove of the coupling member and permitting the spool to move (see col. 3, line 27 et seq.).

In regard to claim 7, the valve further comprises an adaptor (20) fixed within the valve adjacent to the coupling member and with a small clearance (38,42) to the generally circular retainer, such that when the coupling member is subjected to a force, the generally circular retainer (40,44) comes into contact with the adaptor and the adaptor prevents any further movement of the generally circular retainer along the axis of the valve.

In regard to claim 8, the retainer (44) inherently includes a pair of ends that define a gap therebetween (see col. 3, line 34).

In regard to claim 9, in response to the force, the coupling member moves and the retainer moves to the open position, thereby leaving the annular groove of the coupling member and permitting the spool to move (see col. 3, line 27 et seq.).

In regard to claim 10, the valve of claim 4 as discussed above further comprises a locking device (54) engageable with the guide member to retain the valve in a selected position. In regard to claim 11, the selected position is considered a neutral position.

In regard to claim 12, the valve of claim 3 as discussed above, wherein the valve is in a neutral position when the retainer is disposed in the annular groove.

In regard to claim 15, the Diel valve would inherently has the first flow path position defines a first flow path, the second flow path position defines a second flow

path, the first flow path being different than the second flow path (see col. 2, lines 48-55).

In regard to claim 16, the valve of claim 4 as discussed above, wherein the coupling member has a second groove (defined between 60 and the end to the right thereof) for inherently receiving the generally circular retainer in a first flow path position (see col. 3, line 27 et seq.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diel, as set forth above, in view Meisel.

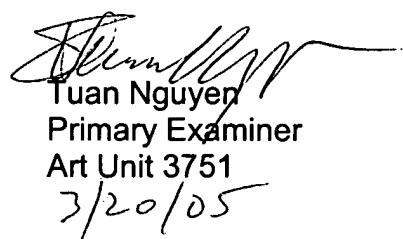
Although the coupling member of the Diel reference does not include a second annular groove and a third annular groove as claimed, attention is directed to the Meisel reference which discloses another valve having a coupling member (34) with multiple grooves to define multiple different flow path positions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Diel device, second and third annular grooves other than the current annular groove as, for example, taught by Meisel in order to provide more than one flow path position.

Conclusion

8. Claims 17 and 18 are free of art at the time of this office action.
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hancock, Mohr, Chichester et al., Peters, and Akkerman et al. disclose other valves. Ensign and Bowden disclose other detents and locking pin.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751
3/20/05

TN